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IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

NORTHWEST ENVIRONMENTAL) No. C 03 - 05760 SI
ADVOCATES, et al.,)
) JOINT STIPULATION TO CONTINUE
Plaintiffs,) BRIEFING AND HEARING DATES FOR
) PLAINTIFFS' MOTION FOR ATTORNEYS'
v.) FEES AND COSTS PURSUANT
) TO EAJA; PROPOSED ORDER
UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Defendant.) NO HEARING REQUESTED

This Joint Stipulation is filed by Defendant United States Environmental Protection Agency and Plaintiffs Northwest Environmental Advocates, *et al.* In support of this Joint Stipulation, the parties state as follows:

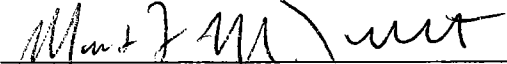
Plaintiffs in this case have filed a Motion for Attorneys' Fees and Costs Pursuant to the Equal Access to Justice Act. (Dkt 127) (the "Fee Motion"). The Fee Motion is currently calendared for hearing on February 13, 2009, with Defendant's response to the Fee Motion due January 23, 2008, and Plaintiffs' reply due January 30, 2009. The parties are engaged in settlement discussions concerning the Fee Motion and therefore stipulate to a continuance of the hearing on said Motion until March 20, 2009, or such later date as is convenient for the Court.

The parties further stipulate that Defendant's response to the Fee Motion will be due on February 27, 2009, and Plaintiffs' reply will be due on March 6, 2009.

Respectfully submitted and agreed to this 23rd day of January, 2009:

JOHN C. CRUDEN
Acting Assistant Attorney General
Environment and Natural Resources Division

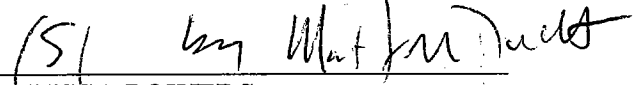
By:


MARTIN F. McDERMOTT, Attorney
Environment and Natural Resources Division
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Of Counsel:

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STIPULATED AND AGREED TO BY:


MELISSA POWERS
Pacific Environmental Advocacy Center
10015 S.W. Terwilliger Blvd.
Portland, OR 97219-7799
Attorney for Plaintiffs

[PROPOSED] ORDER

Upon consideration of the parties' Joint Stipulation, hearing on Plaintiffs' Motion for Attorneys' Fees and Costs Pursuant to the Equal Access to Justice Act, currently set for February 13, 2009 is continued until March 20, 2009. Defendant's response to said Motion will be due on February 27, 2009; Plaintiffs' reply will be due on March 6, 2009.

DATED: _____


Hon. Susan Illston, United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of January, 2009, the foregoing JOINT STIPULATION TO CONTINUE BRIEFING AND HEARING DATES FOR PLAINTIFFS' MOTION FOR ATTORNEYS' FEES AND COSTS PURSUANT TO EAJA and PROPOSED ORDER were served electronically through the Court's ECF system on counsel of record.

/s/ Martin F. McDermott

Martin F. McDermott